



County of El Dorado

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Minute Order

Agenda Item: 10-1078

File Number: 10-1078

Department of Transportation recommending the Board consider the following:

- 1) Consent to the City of Placerville acquiring necessary rights of way located within the unincorporated area for the City's Point View Drive Extension project; and
- 2) Deny the request for waiver of fees and charges associated with the Point View Drive Extension project. (Est. time: 20 min.)

Background:

The City of Placerville is actively engaged in the development of the Point View Drive Extension Project between the Point View Drive interchange at US 50 and the intersection of Smith Flat Road and Jacquier Road. The northerly terminus of the project on Jacquier Road is located within the unincorporated area of the County of El Dorado.

This project was originally a private developer project and included a hotel, gas station and the requisite road improvements. The private development project went into foreclosure after some, but not all, of the road improvements had been completed. To date, the Department has incurred unreimbursed costs of \$19,000 for plan check of the Gateway Project plans submitted by the developer.

Following foreclosure of the project, the City has undertaken the completion of the road construction. The City applied for and was successful in obtaining a \$750,000 grant from the State and Local Partnership Program (SLPP) because the intersection improvements of Point View Drive, Smith Flat Road and Jacquier Road were recognized as being regionally significant. To complete the project, the City must acquire rights of way from two parcels within the unincorporated portion of the project. The County normally requires improvement agreements, plan checking, and construction inspection of road construction projects within its jurisdiction.

Reason for Recommendation:

The California Streets and Highways Code addresses the various issues associated with an incorporated City constructing a road improvement project that extends into an unincorporated County area. Section 1710 et seq. of the Code allows that "a City and County may agree that the City shall construct a County highway within the unincorporated territory of the County, and include provisions for cost-sharing." Section 1680 et seq. of the code allows that a "County Board of Supervisors may by resolution, determine that the construction of a street extending across the boundary of the City is of general County interest, and that the County may therefore extend aid." And finally, Section 1810 et seq. of the Code provides that "a City may acquire, by purchase or eminent domain, property outside its boundaries in the unincorporated area of the County in which the City is located, if it is necessary to connect or widen the existing streets of the acquiring City, and if the County consents to the acquisition."

Located along the northern edge of Assessor's Parcel Number (APN) 048-290-01 (Conforti and Pearl) is the County owned parcel APN 048-290-04, originally part of a triangular intersection between Smith Flat Road and Jacquier Road. This leg of the intersection has been blocked for years and is no longer in use by the public. As part of the project, the City is requesting that the County vacate the right of way and quitclaim the underlying fee to the adjacent property owner. In exchange, the property owner will provide the right of way required by the City to complete the project.

With respect to the acquisition of the property, the Department recommends that the Board consent to the City of Placerville acquiring any necessary right-of-way for the completion of the Project. The Department does not support a transfer of ownership of the subject parcel without compensation to the County. The property has been valued at \$25,000.

The County currently maintains the existing sections of road in the unincorporated area of the City's project. After the new improvements are completed the maintenance of the new sections of roadway in the unincorporated area will be a future County road maintenance cost.

Additionally, the City is also requesting that all fees associated with the vacation and transfer of ownership, as well as any fees associated with plan check, inspection, and processing of any related agreements necessary for completion of the project be waived by the County.

The Department has incurred \$3600 of staff time to date reviewing the plans and processing associated items for the City's project. Recognizing the short time line, the DOT has worked with the City to complete the review of the plans with the expectation the City will cover those costs. The Department anticipates final cost to be \$5,000 for final plan review and processing. The anticipated inspection and permit fees are \$10,000; a General Vacation application fee would be \$1,444 with an associated Planning fee of \$500 for a Finding of Consistency. The total cost is approximately \$16,944 as shown below:

DOT Plan Review	\$ 5,000
Permits / Inspection	\$ 10,000
DOT General Vacation	\$ 1,444
Finding of Consistency	\$ 500

The Department recommends the Board deny the request for a waiver of fees.

Contact:

James W. Ware, P.E.
Director of Transportation

Concurrences: None

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, as follows:

- 1) Find that it is in the interest of economic development in the Smithflat area of the County to have the City of Placerville conclude the road improvements begun as a part of the hotel project adjacent to Highway 50 at Point View Drive. This road project will provide improved access to the Apple Hill Area and the hotel will provide needed rooms for tourists wishing to spend more time and money enjoying our county;
- 2) Direct the Department of Transportation staff as follows:
 - a) Prepare a Board Resolution, pursuant to State Highway Code Section 1680, stating that the extension of Point View Drive is in the general interest of the County and that the County therefore consents to the City acquiring property in the unincorporated County area for the purpose of extending that roadway;
 - b) Notice and agendize, as expeditiously as legally possible, an item for this Board to summarily vacate the excess County right-of-way through APN 048-290-04, since that right-of-way has not been used for vehicular traffic for more than 20 years, and no County funds have been expended to maintain said road in that period of time;
 - c) Assist the City in bringing to close a land exchange of portions of APN 048-290-04, including the right-of-ways being abandoned, and of portions of other right-of-ways which may be abandoned as part of the improvement project, for the right-of-ways to be obtained from APN 048-290-01. This would allow for an exchange of land without any exchange of money;
 - d) Cooperate with the City to prepare and bring for approval an agreement as to right-of-way ownership and long term maintenance of the proposed roadway; and
 - e) Waive all fees and costs involved with the transactions listed in this motion, including those charged but not collected to date;
- 3) The vacation of the County property, the waiver of all of the processing fees by County staff, and the proposed land exchange (valued at \$25,000) shall constitute the County's full share of the cost for the design, processing, and construction of the Point View Drive extension.

Ayes: Knight, Nutting, Sweeney and Briggs

Noes: None

Absent: Santiago

Suzanne Allen de Sanchez, Clerk of the Board of Supervisors, certifies that this is a true copy of Agenda Item No. 10-1078, passed by the Board of Supervisors on 11/9/2010.

Attest:



11-18-10

Date Certified